

REGULAR CITY COUNCIL MEETING
JUNE 9, 1997

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Dale Roper	Council Member
Glen Swalberg	Council Member

ABSENT (Excused)

Robert Dekker	Council Member
Robert Droubay	Council Member

ALSO PRESENT

Dorothy Jeffery	City Recorder
Neil Forster	Public Works Director
Richard Waddingham	City Attorney
Judy Baker	City Treasurer
Greg Schafer	City Employee
Deb Greathouse	City Librarian
Darin Phelps	Millard County Chronicle/Progress
Don Gavin	City Resident
Ken Topham	Millard School District

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place, and agenda was posted at the principal office of the governing body, located at 76 North 200 West, and was provided to the Millard County Chronicle/Progress, KNAK Radio, and to each member of the City Council, by personal delivery, at least two days prior to the meeting.

Council Member Glen Swalberg offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Public Hearing held May 12, 1997 were presented for consideration and approval. Council Member Glen Swalberg MOVED to approve the minutes of the Public Hearing held May 12, 1997, as presented. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held May 12, 1997 were presented for consideration and approval. Mayor Dafoe requested that a correction be made on Page 6, paragraph 3, concerning street improvements; line 4 should be changed from "300 East" to read "improve 200 South from approximately 200 East to 350 East." City Attorney Richard Waddingham requested that a correction be made on Page 4, paragraph 1 regarding repainting the interior of the City Building; line 4 should be changed from "interior or the building" to read "bids for repainting the interior of the building." Attorney Waddingham also requested that a correction be made on Page 5, paragraph 3 regarding Mr. Loe; line 2 should be changed from "350 and 400 West" to read "350 and 400 East Main." Following discussion, Council Member Dale Roper MOVED to approved the minutes of the Regular City Council Meeting held May 12, 1997, as corrected. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Budget Work Session held May 27, 1997 were presented for consideration and approval. Council Member Gayle Bunker MOVED to approve the minutes of the Budget Work Session held May 27, 1997 as presented. Council Member Dale Roper SECONDED the motion. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following discussion of the accounts payable, Council Member Dale Roper MOVED to approve the accounts payable, in the amount of \$170,738.49. Council Member Gayle Bunker SECONDED the motion. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

There were no unfinished business items on the agenda.

NEW BUSINESS

SUPERINTENDENT KENNETH TOPHAM, MILLARD SCHOOL DISTRICT: STREET LIGHT ON 450 NORTH STREET.

Superintendent Kenneth Topham requested the assistance of Delta City for installing and operating lights on 450 North from approximately 100 East to 350 East. There are currently four poles in place; one pole is just North of the Bus Garage. The other three would be appropriate to put lights on and would light the parking area for the ball field. Mayor Dafoe advised Superintendent Topham that the light at the corner of 100 East and 450 North would be placed so it would illuminate the intersection. Superintendent Topham advised the Council that the School District would like the lights on the other poles to be placed on the North side of the pole in order

to provide light for the parking area. There was discussion regarding the type and cost of the lights and placing of the fixtures.

The Council requested that Public Works Director Forster contact Utah Power & Light to get additional information regarding costs, fixtures, etc. and discuss this item at the next City Council meeting.

MAYOR DON DAFOE: DELTA CITY FINAL BUDGET FOR FISCAL YEAR 1997-1998

Mayor Dafoe stated that a Public Hearing was held prior to this meeting for the purpose of receiving public comment regarding the proposed Delta City Final Budget for Fiscal Year 1997-1998. The Tentative Budget was adopted May 12, 1997 and a Budget Work Session was held on May 27, 1997 wherein each departmental budget was discussed in detail, resulting in numerous changes. The total amount of the proposed Final Budget for Fiscal Year 1997-1998 is \$2,511,200, which is approximately \$1,000 more than the previous year. This amount includes a three percent (3%) salary increase for City employees, a water rate increase of \$1.00 per month and an additional 5 cents (40 cents to 45 cents) per thousand gallons for overage, resulting in a water rate increase from \$13/month to \$14/month. This increase is due to the increased cost of providing the service. The water system is still under bond and the bonding company frequently sends letters advising that the Delta City water rates are too low. Given the quality of the Delta City water system and the quality of water delivered, Mayor Dafoe felt that the increase was very reasonable.

Mayor Dafoe introduced the Resolution adopting the Delta City Final Budget for Fiscal Year 1997-1998:

RESOLUTION NO. 97-247

A RESOLUTION ADOPTING A FINAL BUDGET FOR THE CITY OF DELTA, UTAH FOR
THE FISCAL YEAR BEGINNING JULY 1, 1997.

Council Member Gayle Bunker MOVED to approve Resolution No. 97-247 adopting a final budget for the City of Delta for Fiscal Year 1997-1998. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Gayle Bunker	Yes
Robert Dekker	Absent - Excused
Robert Droubay	Absent - Excused
Dale Roper	Yes
Glen Swalberg	Yes

The motion passed unanimously.

MAYOR DON DAFOE: DELTA CITY CREDIT CARDS

Mayor Dafoe explained to the Council that we are in the process of acquiring three corporate credit cards from Zions Bank for City expenses. Part of the requirements for issuing the credit cards to Delta City is that the item needs to be discussed and approved in a City Council meeting and a copy of the minutes forwarded to Zions Bank, along with the application. The application requests a maximum limit of \$5,000, to be used by City employees. At the present time, when employees are required to go out of town on short notice, they are required to use their own money for travel expenses, meals, lodging, etc., then waiting for reimbursement. The credit cards would be issued to the Mayor, Public Works Director, and City Recorder. The cards could be issued to the employee for use in paying for travel expenses rather than their own money. The cards will be closely controlled. They will not be carried in someone's pocket, but will be kept in the vault so that, when one is needed, it can be accessed in the vault. The charges will be itemized and will be run through the accounts payable. Employees using the cards will be required to bring in the receipts for charges made on the cards.

Following discussion, Council Member Gayle Bunker MOVED to approve acquisition of three corporate credit cards from Zions Bank to be issued to Mayor Don Dafoe, Public Works Director Neil Forster, and City Recorder Dorothy Jeffery and to be used, as approved by the Mayor, Public Works Director or City Recorder, for Delta City expenses. Council Member Glen Swalberg SECONDED the motion. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER GLEN SWALBERG: MILLARD COUNTY TOURISM

Council Member Glen Swalberg advised the Council that the 1997-1998 Millard County Tourism brochure is being produced by the Gazette Publishing Company and includes the same Delta City informational ad which has been used for years. The cost of the ad is \$200.

Council Member Glen Swalberg MOVED to approve payment of \$200.00 to the Delta Area Chamber of Commerce in payment of the Delta City ad in the Millard County Tourism pamphlet. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: MUNICIPAL SALES AND USE TAX ORDINANCE

Mayor Dafoe stated that he had received a letter and a model ordinance from Mountain Fuel concerning the franchise taxes and he turned the materials over to City Attorney Richard Waddingham for drafting of an ordinance. Mayor Dafoe asked Attorney Waddingham to explain the draft ordinance and advise the Council on this matter. Attorney Waddingham told the Council that previously, municipalities could raise revenues by collection of franchise fees and business license fees from the energy industry. A restructuring of the industry has taken place which

creates an opportunity for increased competition within the industry. As a result of the restructuring, the fairness and effectiveness of the revenues collected was diminished. A new state law was enacted, and becomes effective July 1, 1997, which requires municipalities to adopt an energy sales and use tax ordinance to replace the current utility franchise ordinances. Attorney Waddingham explained that this will not affect the franchise tax on cable television and telephone utilities; it is specifically applied to energy. Adopting a new ordinance will make it necessary to repeal any existing ordinances covering gas and electricity franchises. Many of our existing ordinances combine gas, electric, telephone and cable television. Before adopting an ordinance for energy sales and use tax, we need to be certain that we do not inadvertently repeal any ordinances covering telephone and cable television franchise taxes. Attorney Waddingham advised the Council to delay adoption of this ordinance until the next meeting, if it will be held prior to June 30, 1997, to allow him time to research existing ordinances in order to avoid errors in repealing any of them. This ordinance must be passed and be in effect prior to July 1, 1997 so, if the ordinance is adopted on June 23rd and published in the June 26th issue of the local newspaper, we will meet the June 30th deadline.

Following discussion, Council Member Gayle Bunker MOVED to table this item and put it on the agenda for the June 23, 1997 City Council meeting. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: CEMETERY FENCE

Mayor Dafoe reminded the Council that there have been several previous discussions regarding this item. Council Member Robert Droubay delivered a letter to Mayor Dafoe indicating that Delta 5th Ward, Delta 1st Ward, Delta 3rd Ward, and Delta 6th Ward of the L.D.S. Church propose a Sesquicentennial service project to replace the fence around the Delta Cemetery. The L.D.S. Wards have requested assistance from Delta City in purchasing materials for the project. The matter was discussed, during the Budget Work Session, and it was determined that materials would be purchased from the current year budget rather than allocating funds in the Fiscal Year 1997-1998 Budget. The project includes replacement of the fence on the West and South sides. Council Member Dale Roper stated that he had contacted two of the three Cemetery Board Members. Both board members he contacted are willing to straighten the fence to allow parking on both sides, but neither board member, nor the caretaker, is willing to remove all of the trees along the West side. Council Member Roper's concern is that the L.D.S. Wards may be pushing something on the Cemetery Board which they do not want. The Board Members he contacted have some real concerns about wrought iron fence due to the amount of maintenance required. Council Member Roper felt that, if the City provides the materials, the L.D.S. Church representatives and the Cemetery Board need to meet to discuss the proposed fence and come to an agreement regarding tree removal and the fence to be installed prior to any materials being furnished by Delta City.

Mayor Dafoe told the Council that he has received price quotes on both chain link fence and wrought iron fence. The cost of wrought iron fence to do the West and South sides of the cemetery would be \$6,167. This price includes the posts, but does not include any concrete.

Mayor Dafoe suggested that the chain link fence be used on the West side and use wrought iron on the front (South) side of the cemetery.

It was the feeling of the Council that there should be a meeting of a representative of the Cemetery Board, a representative of the the Ward Committee and a representative of Delta City to come to an agreement on the proposed fence. Don Gavin, who was in the audience advised the Council that he is representing the Ward Committees at this meeting. He stated that the Ward Committees have had several meetings on the project. The Ward Committees are not concerned with the type of fence or how much is to be constructed; their concern is that the project is going to require several days work in order to remove the existing fence, install the new fence posts and have the fence ready to install on July 19th. The Ward Committees are waiting for a decision from the City as to what type of fence is to be installed so that they can go ahead with their preliminary preparations for installation, determine what work needs to be done prior to July 19th, and what work can be done on July 19th, which is the day designated for the community day of service.

Mayor Dafoe suggested that he, Council Member Bunker, Don Gavin, Robert Hare, and some of the Cemetery Board Members meet together on Thursday, June 12, 1997 at 7:00 p.m. at the City Office to discuss the project.


Following lengthy discussion, Council Member Gayle Bunker MOVED to approve Delta City's participation in the funding of the replacement of fence along the West and South sides of the Delta Cemetery. The motion was SECONDED by Council Member Glen Swalberg. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

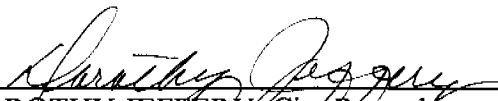
OTHER BUSINESS

Mayor Dafoe reminded the Council that a decision needs to be made on who will be the Grand Marshall for the Fourth of July parade. Mayor Dafoe advised the Council that the Fourth of July Committee had suggested that L.J. Roper be honored as Grand Marshall. It was the feeling of the Council that it would be fitting to honor Mr. Roper in this way inasmuch as he has served as City Manager, Mayor, and represented Delta City on the Council of Governments. Council Member Gayle Bunker MOVED that Delta City ask Mr. L.J. Roper and his wife, Norda, to be the Grand Marshalls for the 1997 Fourth of July celebration. The motion was SECONDED by Council Member Glen Swalberg. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe asked if there were any comments or questions, or other items to be discussed. There being none, Council Member Gayle Bunker MOVED to adjourn. The motion was SECONDED by Council Member Glen Swalberg. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe declared the meeting adjourned at 8:35 p.m.



DON DAFOE, Mayor

DOROTHY JEFFERY, City Recorder

MINUTES APPROVED: RCCM 06-23-97